

REMARKS

By this Amendment, Applicant cancels claims 1-20 and 39-42 without disclaimer of the underlying subject matter, or prejudice against subsequent prosecution in a continuation application. Applicant also amends claims 25, 32, 35-38, 43, and 45-47.

Accordingly, claims 21-38 and 43-48 remain pending in the application.

Reexamination and reconsideration are respectfully requested in view of the following Remarks.

CLAIM OBJECTIONS

Although “reorganisation” is recognized as a correct alternative spelling to “reorganization” by major dictionaries of the English language, in deference to the Examiner Applicant amends claims 25, 32, 35, 39, 41, 43, 45 and 47 to replace “reorganisation” with “reorganization.”

Accordingly, Applicant respectfully request that the objections to the claims be withdrawn.

35 U.S.C. § 102

The Office Action rejects claims 21-38 and 43-48 under 35 U.S.C. § 102 over Cadman WO00119393 (corresponding to U.S. patent 6,648,651) (“Cadman ‘651’”).

Applicant respectfully submits that claims 21-38 and 43-48 are all patentable over Cadman for at least the reasons set forth above.

Preliminary Remarks

Cadman ‘651 discloses a method and apparatus of presenting a sequence of questions, receiving answers from the candidate together with an indication of the candidate's confidence. Each question has a known level of difficulty.

However, Cadman ‘651 cannot provide one or more advantages of the present invention.

In particular, regardless of the number of questions Cadman '651 is unable to present questions in systematic and structured order, progressing from the easiest to the hardest type. This allows the candidate to only have to answer as many questions as are relevant, and not have to be unnecessarily preoccupied with answering questions that are simply beyond their cognitive ability at that time by use of a quantifier. The nature of the test as disclosed and claimed herein allows it to be regularly reused, particularly in cases where a candidate does not progress through all the available level of questions. These benefits are disclosed, for example, at page 13, lines 24-40 of the present specification.

These advantages are not achieved by Cadman '651.

Turning now to the specific claims, Applicant will now explain some of the specifically recited features of the present claims which are not disclosed by Cadman '651.

Claim 21

At the outset, in the method of claim 21 the assessment has a plurality of questions that are chosen from a plurality of question types ranging progressively from an easiest question type to a hardest question type.

Cadman '651 does not disclose this feature.

The Office Action states that Cadman '651 discloses this feature at col. 3, lines 52-54.

Reproduced below is the text from Cadman '651 at col. 3, lines 52-54:

For at least some of the questions the candidate is prompted to indicate their confidence that the answer given was correct. Preferably, computer 1 prompts for such an indication for at least half of questions q_1, q_2, \dots, q_n . 55

Clearly, this text makes no mention of “*a plurality of question types ranging progressively from an easiest question type to a hardest question type.*”

So Cadman '651 does not disclose the method of claim 21.

Among other things, the method of claim 21 includes: (1) delivering to the candidate a question selected from the easiest question type; and (2) allowing the candidate to answer the question and, thereafter, delivering to the candidate sequentially one or more questions from the same question type.

Cadman '651 does not disclose these features.

The Office Action states that Cadman '651 discloses these features at col. 3, lines 29-35.

Reproduced below is the text from Cadman '651 at col. 3, lines 29-35:

More particularly, computer 1, once initialised, sequentially displays on screen 3 a series of questions. By way of 30
illustration these questions will be designated as q_1, q_2, \dots, q_n . As a question is displayed the candidate is prompted to choose one of a plurality of answers, only one of which is correct. By way of illustration these answers will be designated as a_1, a_2, \dots, a_n . The candidate effects their choice, 35

Clearly, this text makes no mention of delivering to the candidate a question selected from the easiest question type.

So Cadman '651 does not disclose the method of claim 21.

Also among other things, the method of claim 21 includes determining a quantifier in response to the answers provided by the candidate to the questions of the easiest question type, and if the quantifier is above a predetermined threshold for delivering to the candidate a question selected from another one of the question types, delivering to the candidate a question selected from the other one of the question types and, thereafter, delivering to the candidate one or more questions from the same other one of the question types.

Cadman '651 does not disclose these features.

The Office Action states that Cadman '651 discloses this feature at col. 4, lines 1-35 and in Table 5.

Reproduced below is the text from Cadman '651 at col. 4, lines 1-35, and Table

5:

More particularly, each answer is allocated a score which is weighted in accordance with a predetermined scale. In the present embodiment all the weightings are equal. In the event the answer chosen by the candidate is the correct one,
5 then the score is allocated to the candidate. The value of all the scores allocated to the candidate are then added together to provide a total score T_s . In this embodiment T_s is expressed as a percentage and lies within the range of 0 to 100%.

10 Separately, indicators c_1, c_2, \dots, c_n are processed to provide an overall indicator for confidence for that particular candidate, which will be referred to as T_c . In this embodiment the confidence indicators correspond to each answer and are allocated the same respective scores, in that they
15 weighted the same as the corresponding answer. The resulting overall confidence indicator T_c is expressed as a percentage and falls within the range of 0 to 100%. In other embodiments where a confidence indicator is not obtained for each answer, the overall confidence indicator T_c is
20 derived from a weighted average of the separate confidence indicators that are obtained.

In this embodiment, when obtaining an indication of the confidence of the candidate that an answer is correct, the candidate must select from one of at least three discrete
25 confidence bands. In more preferred embodiments the candidate must select from one of at least five confidence bands. These bands are quantified in percentage terms. For example, one particular multiple choice question presents two alternatives from which to choose the answer. In this
30 case the lowest confidence band has a lower limit of 50%, which corresponds to a guess. However, in other questions there are five alternatives from which to choose an answer, and the lowest confidence band has a lower limit of 20%, which also corresponds to a guess. In all cases the upper
35 limit of the upper confidence band is 100%.

Clearly, this text makes no mention of delivering to the candidate a question selected from another one of the question types if some quantifier is above a predetermined threshold.

So Cadman '651 does not disclose the method of claim 21.

Finally, among other things, the method of claim 21 includes deriving an assessment of the relative cognitive ability of a candidate using the quantifier and the question types for which answers have been provided.

The Office Action states that Cadman '651 discloses this feature at col. 4, lines 53-63.

Reproduced below is the text from Cadman '651 at col. 4, lines 53-63:

T_{sm} is indicative of the extent to which the candidate has insight into what he or she does or does not know with
55 respect to the questions in the test. This indication is used, in combination with T_c and T_s in isolation, to assist in the assessment of the candidate for either certain tasks or, if the position in question is well defined, for that position. In some circumstances it is known to predefine a range of
60 suitable T_{sm} that is appropriate for a position based upon the tasks that are needed to be carried out. In the event the test yields a T_{sm} in that range the candidate is considered suitable.

Clearly, this text makes no mention of the use of a quantifier or weighting that is specifically based on the question types in order to make an assessment. Instead, the score calculated in Col 4 relates to the *confidence of the candidate* rather than their *cognitive ability*.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 21 is very clearly patentable over Cadman '651.

Claims 22-26, 36-38 and 43-44

Claims 22-26, 36-38 and 43-44 all depend from claim 21 and are deemed patentable for at least the reasons set forth above with respect to claim 21.

Claim 27

In the apparatus of claim 27, an assessment has a plurality of questions that are chosen from a plurality of question types ranging progressively from an easiest question type to a hardest question type.

As explained above with respect to claim 21, Cadman '651 does not disclose this feature.

So Cadman '651 does not disclose the apparatus of claim 27.

Among other things, the apparatus of claim 27 includes a processor for driving a display to deliver to the candidate a question selected from the easiest question type, and an input device for allowing the candidate to answer the question, wherein the processor is responsive to the answer being provided to subsequently deliver to the candidate sequentially one or more questions from the same question type.

As explained above with respect to claim 21, Cadman '651 does not disclose these features.

So Cadman '651 does not disclose the apparatus of claim 27.

Also among other things, the apparatus of claim 27 includes a calculation module being responsive to the answers provided by the candidate to the questions of the easiest question type for determining a quantifier, wherein the processor is responsive to the quantifier being above a predetermined threshold for driving the display to deliver to the candidate a question selected from another one of the question types and, thereafter, delivering to the candidate one or more questions from the other one of the question types.

As explained above with respect to claim 21, Cadman '651 does not disclose these features.

So Cadman '651 does not disclose the apparatus of claim 27.

Finally, the apparatus of claim 27 includes an assessment module responsive to the quantifier and the question types for which answers have been provided to derive an assessment of the relative cognitive ability of a candidate.

As explained above with respect to claim 21, Cadman '651 does not disclose these features.

So Cadman '651 does not disclose the apparatus of claim 27.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 27 is very clearly patentable over Cadman '651.

Claims 28-32 and 45-46

Claims 28-32 and 45-46 all depend from claim 27 and are deemed patentable for at least the reasons set forth above with respect to claim 27.

Claim 33

In the method of claim 33, an assessment has a plurality of questions that are chosen from a plurality of question types ranging progressively from an easiest question type to a hardest question type. Also among other things, the method of claim 33 includes delivering to the candidate a question selected from the easiest question type; allowing the candidate to answer the question and, thereafter, delivering to the candidate sequentially one or more questions from the same question type in response to the preceding question being answered; determining a quantifier in response to the answers provided by the candidate to the questions of the easiest question type; if the quantifier is above a predetermined threshold for delivering to the candidate a question selected from another one of the question types, delivering to the candidate a question selected from the other one of the question types and, thereafter, delivering to the candidate one or more questions from the other one of the question types; and deriving an assessment of the relative cognitive ability of a candidate using the quantifier and the question types for which answers have been provided.

As explained above with respect to claim 21, Cadman '651 does not disclose any method that includes this combination of features.

Furthermore, the method of claim 33 is directed to a method of assessing the progress of a candidate. As described above, this allows a candidate to answer progressively more difficult question types as their learning progresses. In contrast, Cadman '651 is designed to assess candidates once-off, more specifically once for a

particular employment position. Cadman '651 does not teach or suggest using the test to assess the progress of a candidate.

So Cadman '651 does not disclose the method of claim 33.

Accordingly, for at least these reasons, Applicant respectfully submits that claim 33 is very clearly patentable over Cadman '651.

Claims 34-35 and 47-48

Claims 34-35 and 47-48 all depend from claim 33 and are deemed patentable for at least the reasons set forth above with respect to claim 33.

OBVIOUSLY-TYPE DOUBLE PATENTING REJECTION

The Office Action rejects claims 21-38 and 43-48 as supposedly being unpatentable over Cadman '651 on the grounds of obviousness-type double-patenting.

Applicant respectfully traverses these rejections.

Applicant respectfully submits that all of the claims 21-38 and 43-48 are patentably distinct from the claims in Cadman '651 for at least the following reasons.

Each of the claims 21-38 and 43-48 includes numerous features that are neither present in the claims of Cadman '651, nor obvious variations thereof.

For example, the claims 21-38 and 43-48 all include the features of starting at the easiest question types, determining a quantifier, a predetermined threshold, delivering questions from another question type, and using the quantifier and question types to make an assessment on the cognitive ability of the candidate. These features not only aren't recited in the cited claims of Cadman '651, but they are not even disclosed in Cadman '651! Similarly, the claims of Cadman '651 each include the feature of obtaining from the candidate an indication of their confidence. This feature is not recited in any of the claims of the current application.

Accordingly, for at least these reasons, Applicant respectfully traverse the obviousness-type double patenting rejection of claims 21-38 and 43-48, and respectfully request that these rejections be withdrawn.

CONCLUSION

In view of the foregoing explanations, Applicant respectfully requests that the Examiner reconsider and reexamine the present application, allow claims 21-38 and 43-48, and pass the application to issue. In the event that there are any outstanding matters remaining in the present application, the Examiner is invited to contact Kenneth D. Springer (Reg. No. 39,843) at (571) 283-0720 to discuss these matters.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 50-0238 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17, particularly extension of time fees.

Respectfully submitted,

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